JOHN COOK MAYOR

JOYCE WILSON CITY MANAGER



CITY COUNCIL

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MEMORANDUM

TO:

Mayor and Council

FROM:

Susie Byrd, City Representative, District #2

DATE:

April 11, 2011

RE:

Item 12A - City Council Agenda for April 12, 2011

Dear Mayor and Council:

For a year, I have tried to resolve an ongoing problem at McKelligon Canyon. My attempts to date have yielded no improvement and so I have placed the following item on the City Council agenda for your consideration and help:

12A. Discussion and action on formally requesting that the soldiers not use McKelligon Canyon for training purposes until such time that they can ensure that their use of the canyon doesn't come at the expense of public use and until they can ensure that they will follow city rules when they use the canyon.

BACKGROUND. The McKelligon roadway, picnic areas, the shelter and the amphitheater at McKelligon are all managed and operated by the City. The canyon walls are State Park and managed and operated by the State.

During the weekdays, McKelligon Canyon is actively used throughout the day by people who run, bike or walk from the base up the road to the canyon or by people who drive up the road and then park to hike up the canyon walls. The canyon has always been actively used by military for training purposes. Until last year, the soldiers' use of the canyon for training has never been a problem. In fact, people who use the canyon regularly liked to see the soldiers up there.

Last spring, my office started receiving repeated complaints about the soldiers who were using the canyon for training. These complaints include:

- Setting up roadblocks at canyon entrance and preventing anyone except for soldiers from entering.
- Failure to let other users use the roadway. (Ex. Doing situps in the middle of the road so that
 drivers can't pass. Running up the road in units so wide that no one can pass and failing to yield
 when someone asks to pass.)
- Spray painting the road to indicate mile markers.
- Posting signs at entrance indicating that no one else can use the canyon.

- Using the canyon in a manner that would require a city permit or is illegal. (For example, placing port a potties along the road without speaking to the city. According to the Parks Department, it is illegal to place porta potties along the roadway.)
- When approached directly about concerns by other park users, some soldiers have responded rudely and with foul language. A few have been threatening.
- The State Park officials and local law enforcement have had to intercede on many occasions to correct these issues.

Every time, we receive a complaint of this nature we forward it to Sylvia Firth who then coordinates with Colonel Simonelli or we coordinate directly with Colonel Simonelli. Each time, we forward a complaint; we are assured that the problem has been resolved and that soldiers will revert to using the canyon in a manner that doesn't disrupt from other people's use of the canyon. (I have included a log of some of the emails that date back as early as April 2010.)

Unfortunately, these assurances have not resulted in the soldiers ceasing activities that are disruptive to other park users, which is why I'm I posted this item on the agenda. A year later, I am still getting complaints from residents who are not able to enjoy the use of the canyon as a result of training activities by the military.

Solution. I would ask you to support me in sending a letter to both the Commanding General and Colonel Simonelli asking them to discontinue the use of the canyon for training purposes, until such time that:

- A primary point of contact from the military is assigned who will authorize all use of the canyon by the military for training purposes.
- That point of contact will coordinate with the City and the State Park to ensure that the use of the canyon by soldiers is in compliance with State and local laws and rules for canyon use.
- That point of contact will actively monitor the use of the canyon by soldiers to ensure that they are using the canyon appropriately and are not disrupting other park users.
- That point of contact will be given the authority to ban any units who are not able to use the canyon appropriately.
- That point of contact will be available to respond to all resident complaints.

I'm hoping that this might resolve the issue. I would like for the military to continue to use the canyon for training purposes but want to make sure that El Paso residents are also able to use the canyon.

Thank you for your consideration.

Sincerely,

City Council Representative, District 2



I can't remember if I forwarded this to you or not. susie

----Original Message-----

From: Simonelli, Joseph A COL MIL USA Sent: Thursday, April 15, 2010 9:32 PM

To: Firth, Sylvia B.

Cc: Byrd, Susannah M; Moscone, Joseph CIV USA; Green, William A CSM MIL

USA FORSCOM

Subject: Re: McKelligon Canyon Situation (4/9/2010)

Sylvia: Thank you so much for contacting me on this. We will ensure that units utilizing the canyon exercise the appropriate courtesies and safety measures.

Joe

---- Original Message -----

From: Firth, Sylvia B. <FirthSB@elpasotexas.gov>

To: Simonelli, Joseph A COL MIL USA

Cc: Byrd, Susannah M < ByrdSM@elpasotexas.gov>

Sent: Thu Apr 15 08:54:52 2010

Subject: FW: McKelligon Canyon Situation (4/9/2010)

Joe:

City Representative Susie Byrd asked that I forward the e-mail below which she received from an constituent to you.

Sylvia Borunda Firth
Director of Governmental Affairs
Chief of Staff Office of the Mayor
2 Civic Center Plaza 10th Floor
El Paso, Texas 79901-1029
(915) 541-4656
(915) 541-4501 fax
firthsb@elpasotexas.gov

----Original Message-----From: Byrd, Susannah M

Sent: Tuesday, April 13, 2010 9:22 AM

To: Firth, Sylvia B.

Subject: FW: McKelligon Canyon Situation (4/9/2010)

Sylvia:

Can you alert the appropriate personnel on Fort Bliss about this safety concern raised by a constituent?

Susie

----Original Message----

Cross of the control of the control

Sent: Monday, April 12, 2010 9:13 PM

To: Velasquez, Jose A

Cc: Byrd, Susannah M; Gutierrez, Miriam J Subject: McKelligon Canyon Situation (4/9/2010)

Lt Velasquez:

As we were the citizens who made known our concerns regarding the military

activities in McKelligon Canyon on Friday, April 9, let us provide additional information which may be useful for your better understanding of our concerns.

First of all, please know that we frequently use McKelligon Canyon for personal recreation. On our visits to the canyon, we are very accustomed to seeing military units, usually small ones, in various activities. In fact, on Thursday, we encountered a platoon sized unit marching in formation down the road as we went up. The troops were in two columns, a column on each far shoulder, with the command group in the roadway. We stopped, and they passed safely without incident. It is also very common to see individual military personnel and their families in the canyon.

The situation on Friday, April 9, however, was very different. First of all, the group was very large. I can't give a very good estimate, as there were troops all over McKelligon Canyon Road from the park entrance to the top of the circle which abuts the state park trail head. In addition, there were troops spread around the ponding area between the road and Cemex. There were no troops in formation. There were troops running individually helter skelter and scattered all along and across the roadway, spread from one shoulder to the other, some going up, some coming down, blocking both the vehicle lanes and both the shoulders all across the roadway.

There were no road guards at all posted anywhere. At the park entrance there was a table where I presume the runners were checking in/out and a few non-running soldiers wandering around in the roadway, but at no time were we advised as to the extent that they had taken over the whole road throughout the entire canyon. Shortly after passing the park gate, we began to realize the problem, but with so many people all over the roadway it was impossible to turn around in a manner which did not pose a safety hazard to the troops or break the law. As far as passing the troops goes, many of the troops in the roadway were reluctant to move aside to allow our vehicle and other vehicles to pass them. After trailing bunches who didn't move over for a while, to insure that they knew a vehicle was behind them I gave as small and friendly a beep as I could on my car horn. Most did then move over, but there were some who went off on us verbally. Even if we could have passed, the entire 2.3 mile McKelligon Canyon Road from the park entrance to the upper canyon one-way circle is a no passing zone, marked either with double yellow striping or double yellow reflectors. When we reached the parking lot at the amphitheater, we were able to turn around and head back down the canyon, dodging runners and escaping a bad situation.

Our greatest concern regarding the events of April 9 is safety. The military appears not to be following its own standard operating procedures for troops on a civilian roadway. Added to that is the fact that PD was not aware that an event of such magnitude was taking place in a city park for which they are responsible. Troops were put at risk, and civilians were put at risk.

Thank you for reviewing the information we have shared with you. We hope this information may be useful have a positive impact on the city and the welfare of its people.

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To: <ByrdSM@elpasotexas.gov> Date: Apr 23 2010 - 8:50am

McKelligon Canyon Situation (UNCLASSIFIED) - 16k - View in Outlook

Classification: UNCLASSIFIED

Caveats: FOUO

from Fort Bliss running in McKelligon Canyon on Friday, April 9. The units on Fort Bliss for years have been using the canyon to better develop their cardiovascular systems in preparation for war and more importantly for team building within our ranks. Sometimes the excitement of that team building takes over our better judgment.

We will review and emphasize the standard operating procedures for troops on a civilian roadway, especially on the canyon road. We will continue to work closely with the EPPD and the parks department to ensure we do not put any troops or civilians at risk. I am sure that by this we will continue to enjoy the great relationship we have in El Paso between the military and civilian communities. Because in the end, we are one community!

I hope this will be the last time you encounter this situation. If not, please feel free to continue to contact us with the specifics.

Colonel Joe

COL Joseph A. Simonelli, Jr. Commander, U.S. Army Garrison

Fort Bliss, Texas

DSN: 978-2833 (commercial (915) 568-xxxx)

STE: DSN 979-0059

Mobile/BB:

NIPR: SIPR:

Classification: UNCLASSIFIED

Caveats: FOUO

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RE: Thank You

From: Byrd, Susannah M <ByrdSM@elpasotexas.gov>

Date: Apr 27 2010 - 8:19am

Great note. Susie

----Original Message-----

From:

Sent: Monday, April 26, 2010 10:12 PM

To: joseph.simonelli@us.army.mil

Cc: Firth, Sylvia B.; william.a.green@us.army.mil; Byrd, Susannah M; Gutierrez,

Miriam J

Subject: Thank You

COL Simonelli:

Thank you for your response to the concern which my wife and I had regarding the manner in which troops were operating in McKelligon Canyon on 9 April 2010. As the information regarding what we encountered filtered up through civilian channels to you, I hope that our true motivation wasn't lost in the process. Please know that we are not anti-military. I am, in fact, a former Army officer, a combat veteran of Vietnam, who at one time was stationed at Fort Bliss. During the Vietnam War, the people of El Paso were truly a bright spot for us, supportive and welcoming. As I am now an El Pasoan, I hope that the traditional good two-way relationship will continue as our troops rotate in and out of Southwest Asia.

Thank you, also, for your gracious offer to receive additional contact from us on an as needed basis. Please be assured that we are not crackpots who complain at the drop of a hat. If, however, a situation does arise of which you should be aware, we will certainly share information with you.

Let me close by wishing you the greatest success as Garrison Commander and by hoping that you have a very enjoyable tour here.

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From:

Byrd, Susannah M

Sent:

Wednesday, September 29, 2010 4:15 PM

To:

Byrd, Susannah M; Firth, Sylvia B.

Cc:

Gutierrez, Miriam J

Subject: RE: McKelligon Canyon and the military

Sylvia:

Any thoughts?

Susie

From: Byrd, Susannah M

Sent: Saturday, September 25, 2010 11:24 AM

To: Firth, Sylvia B. **Cc:** Gutierrez, Miriam J

Subject: McKelligon Canyon and the military

Sylvia:

There is a retired couple that uses the canyon to walk their dogs every day. They have complained to me a couple of times about the military's use of the canyon and it sometimes being a problem in terms of the public's use of the canyon. The husband is retired military. Through you we have let the Garrison Commander know when it becomes a problem and each time it has died down after.

This Friday, the couple went out early and literally could not get into the canyon because of how many soldiers were on the road and because the soldiers would not move to the side to allow people to cross to get in. They went back later in the morning at 10:30 and had the same problem. This time though the soldiers were very rude to them and said foul things.

I love that the military uses McKelligon Canyon for training but they can't do this at the expense of the public's use of the Canyon. The way that it was described me seems like they should be pulling parade permits so that they can consume the road so that no one else can use it. Also, being rude to folks who regularly use the canyon only exacerbates the issue.

Can you help us with the base on this? I thought it had been resolved but I guess not. It might be that they size of the groups that they are sending out there at one time is too big.

Susie

FYI on our findings. Cmdr Mac has already taken this up with Ft Bliss to prevent it from happening again.

----Original Message----From: Hamilton, Curtis Sent: Friday, October 15, 2010 11:37 AM

To: McDaniel, Arthur H.; Velasquez, Jaime A; Hamilton, Curtis

Subject: FW:

Sir. On today's date at about 09:40, I got a call from Judy Gutierrez at District 2. She advised that a constituent had called and advised that there were two soldiers at the entrance to McKelligon Canyon preventing access by the public. I contacted Officer Drummond, who responded and met with the soldiers. They advised they were ordered to block the entrance. The NCO's in charge of the run were contacted and came to the entrance. They advised that orders were NOT to block the entrance, but rather to slow vehicular traffic in order to prevent soldiers doing PT in the canyon from being struck. The NCOIC's advised that the situation would be remedied immediately. Officer Saul Gutierrez responded approximately 10:45 hrs and found that the entrance was no longer blocked and public access was restored. The unit advised that the PT event was concluding and a majority of the soldiers would be

Officer Drummond had gone to the Canyon in response to the below email at appx 08:20 hrs. He advised that he spoke to the soldiers who were at the entrance, but they made no reference to the blocking of the entrance. He advised them about the no parking signs from the previous day.

Ham

Sqt. C. Hamilton #2257 **NERC-Traffic** (915) 759-2069

leaving the park to return to Post.

----Original Message----From: Hamilton, Curtis

Sent: Thursday, October 14, 2010 7:13 PM

To: McDaniel, Arthur H.; Avila, Hector; Bell, Jeffery; Brannon, Marshall; Castillo, Manuel - PD: Curlee, Martin G.; Daniels, Robert; Davis, Slade W.; Drummond, Jeffrey L.; Gomez, Michelle M.; Graves, Harley D; Gutierrez, Saul Jr.; Hamilton, Curtis; Head, David L.; Meraz, Raul; Orozco, Richard; Payan, Jesus Jr.; Velasquez,

Cc: Byrd, Susannah M; Gutierrez, Miriam J Subject: FW:

I got a call from the city reps office today regarding soldiers who were putting up no parking signs all along Davis Seamon, right outside McKelligon Canyon. I attached a photo of the signs. It appears 1/35 Armor is going to have a run at McKelligon Canyon. They incorrectly believed that they could reserve a public street in order to park their POVs. Nobody was present to advise reference the placing of the no parking signs. We removed the signs, and Sgt. Jones attempted to call their CQ, but met with no answer. Please keep an eye on McKelligon Canyon tomorrow (Friday) so as to ensure that the roadway is open to vehicular traffic. The road is public access to both the city park and Franklin Mountain State Park. It must remain open and accessible to the public unless a permit is obtained.

Thanks. Ham

Sgt. C. Hamilton #2257 NERC-Traffic (915) 759-2069

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I spoke with the Garrison Commander. He was very upset as he thought they had already taken care of this. He said he would take immediate action to cure and was very apologetic.

Susie

----Original Message-

From:

Sent: Friday, October 15, 2010 6:59 PM

To: Byrd, Susannah M Cc: Gutierrez, Miriam J

Subject: McKelligon Incidents of 10/14 and 10/15

Susie:

FYI, this is my summary of the McKelligon incidents of 10/14 and 10/15.

On 10/14, between 3:00 and 4:00PM, as my dog and I were leaving the Canyon, I observed an SUV parked on the side of Davis-Seamon Lane, near its intersection with McKelligon Canyon Road. It drew my attention due to the fact that it was parked illegally facing into oncoming traffic and its rear end was in the street, partially blocking the traffic lane. It also drew my attention as three uniformed military personnel were on foot near the SUV, illegally placing some sort of sign onto a utility pole. I took my dog home and returned to the area to observe. The SUV and the military personnel had moved further up the street and seemed to be repeating their actions. I observed that every utility pole which I could see and at least one boulder had a sign attached advising that parking on that street was permitted only to a specific military unit. I made no contact whatsoever with anyone at the scene. I returned home and called the office of Representative Susie Byrd, speaking with Judy Gutierrez of that office, and advised her of the happenings. Ms Gutierrez can report on her actions following my call, but in a later call she did advise me that she notified Sqt Curtis Hamilton of the EPPD, who went to the site along with another unit, and who removed and confiscated the illegal signs. In a later visit to the Canyon that afternoon. I did note that all the signs were gone from the Davis-Seamon area, and that normal parking by citizens who use the Canyon for recreation had resumed.

On 10/15, at 9:00AM, I went to the Canyon and immediately noted that a large number of vehicles were parked on the street and off the street of both Davis-Seamon Lane and McKelligon Canyon Road below the park gate. I observed at least two uniformed military personnel standing in the roadway at the park gate. After stopping at the stop sign on McKelligon Canyon Road at its intersection with Davis-Seamon Lane, I proceeded very slowly toward the gate to enter the city park. I was stopped at the gate by Specialist Young, who was guarding the entrance to the park. He was very polite and non-threatening, but very clearly advised me that I could not enter as the place was closed due to a full battalion rough walk which was taking place. I inquired of him if the city had given permission. His response was that he did not know, but that I would have to find that out from the first sergeant, who was not at the gate. I thanked him and had to back my vehicle into the intersection to leave. I found a parking space on the lower portion of Davis-Seamon, parked and observed for a few minutes. During that time, I observed other potential park users being turned away, along with a city work pick-up truck. The only vehicle I observed being allowed to enter the park was a pick-up truck belonging to the State Park Police. I returned home and called Ms Gutierrez, advising her of my observations. At 11:30AM, I drove past the area on Alabama St and observed that the guards were still at the gate, and that a large number of vehicles were still parked in the vicinity. At 3:00PM, I drove again in the area, observing that the guards were no longer at the gate, and that, except for about a dozen soldiers putting their equipment into their cars, most vehicles had left the area. At 5:15PM, my dog and I went to the Canyon for our exercise, and things had returned to normal. Several cars were parked on Davis-Seamon, and their owners were walking/jogging up the Canyon. A

few cars were in the picnic areas with families enjoying evening picnics, and finally the people of El Paso were able to make proper use of their very special Park.

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I spoke with them also. Col. Simmonelli said he would cure immediately but that has been the case before. Maybe if we give the State a good contact for base that would help also. So if this happens again, immediate contact can be made to cure. Susie

----Original Message-----From: Firth, Sylvia B.

Sent: Monday, October 18, 2010 10:51 AM

To: Byrd, Susannah M; Gutierrez, Miriam J

Subject: Re: Military Complaint

The Mayor told me he had spoken to Ft. Bliss leadership on Friday. Let me see what he has found out.

----Original Message-----

From: Byrd, Susannah M < ByrdSM@elpasotexas.gov>

To: Firth, Sylvia B. <FirthSB@elpasotexas.gov>; Gutierrez, Miriam J

<GutierrezMJ@elpasotexas.gov> Sent: Mon Oct 18 10:45:04 2010 Subject: RE: Military Complaint

Sylvia:

The State park people were told that the unit would be using the trails. They told the unit that they could do that but only if they kept street open and yielded right of way to passing cars. They had no idea that this was going to happen this way.

In response, they have asked that we coordinate a meeting with Fort Bliss, PD and them. Let us know what you advise.

Susie

----Original Message----

From: Firth, Sylvia B.

Sent: Friday, October 15, 2010 1:56 PM

To: Control of the Control

Cc: Mayor Cook; Wilson, Joyce A.; Byrd, Susannah M

Subject: Fw: Military Complaint

COL Simonelli:

We really need your assistance with the manner in which McKelligan Canyon is being used by Ft. Bliss. Rep Byrd has received numerous complaints about the behavior of the members of the military while they train in the canyon. The complaint below is a whole new issue. McKelligan Canyon is a City park and as such must be kept open for the use of the general public. The training exercises are making it impossible for the average citizen to use the park. It is also not allowed for anyone to take over the park for their exclusive use without obtaining permits, paying relevant fees etc.

----Original Message----

From: Gutierrez, Miriam J < GutierrezMJ@elpasotexas.gov>

To: Firth, Sylvia B. <FirthSB@elpasotexas.gov>

CC: Byrd, Susannah M <ByrdSM@elpasotexas.gov>

Sent: Thu Oct 14 17:07:41 2010

Subject: Military Complaint

Sylvia:

We received a call today from a constituent who frequently visits McKelligon

Canyon. Around 3pm today, he was attempting to drive into the park and noticed there were multiple military vehicles and staff at the Davis Seamon Road, the road prior to entering the canyon. He noticed that military staff were posting on the wooden electrical poles, personal printed signs that said "NO PARKING, except military vehicles", etc. He did not confront them or engage as previously there became aggressive with him so he returned home to call Rep. Byrd.

I checked with our Dept of Transportation to see if any permits had been pulled or requests to close the street or put up signage had been received by them and they hadn't. I then called Northeast PD and asked them to dispatch a unit. Sgt Hamilton and another motor unit responded and removed all the signs and were going to initiate contact with the Unit that posted the signs advising them that what they did was not allowed.

No other information is available at this time. Thanks.

Judy Gutierrez

Assistant to Rep. Susie Byrd

District #2

915-541-4416

FAX: 541-4348

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You bet.

From: Byrd, Susannah M

Sent: Monday, October 18, 2010 11:40 AM

To: Velasquez, Jaime A; District #2

Cc: PD NERCC SUPERS; PD NERCC TRAFFIC; PD NERCC PAR

Subject: RE: McKelligon Canyon Problem

Thanks so much for your follow up on this. Spoke with the Garrison Commander and he assured us that it would be resolved.

Susie

From: Velasquez, Jaime A

Sent: Friday, October 15, 2010 11:43 AM

To: District #2

Cc: PD NERCC SUPERS; PD NERCC TRAFFIC; PD NERCC PAR

Subject: FW: McKelligon Canyon Problem

F YI on Cmdr Mac bringing the matter to attention of Ft Bliss officials. Thanks, Lt J

From: McDaniel, Arthur H.

Sent: Friday, October 15, 2010 10:03 AM

To: 'Diez, Antony E 1LT RES USAR IMCOM'; Becerra, Robert CPT MIL USA FORSCOM; Gallas, Christopher J MSG MIL USA; 'Washington, Derrick C CIV USA'; Edmonds, Stephen J Mr CIV USA IMCOM; Diez, Antony E 1LT RES USAR IMCOM

Cc: Feidner, Robert E.

Subject: McKelligon Canyon Problem

Sirs,

Seems some of the Military Units are shutting down McKelligon Canyon to include the roadway for some type of training exercise. The units are also putting up no parking signs which also cannot be done. Sorry, but they can't be doing this without permits from the city. We and the City Reps are getting calls about them blocking any and all access to McKelligon. Any help in this matter would be appreciated. Traffic units have been sent to advise the units currently at McKelligon.

Respectfully Submitted,

Cmdr. A. McDaniel # 850

Please see below.

Sylvia Borunda Firth
Director of Governmental Affairs
Chief of Staff Office of the Mayor
2 Civic Center Plaza 10th Floor
El Paso, Texas 79901-1029
(915) 541-4656
(915) 541-4501 fax
firthsb@elpasotexas.gov

----Original Message-----From: Byrd, Susannah M

Sent: Monday, October 18, 2010 10:43 AM

To: Firth, Sylvia B.;

Cc: Mayor Cook; Wilson, Joyce A. Subject: RE: Military Complaint

Colonel:

PD identified the unit as 1-35AR. I tried emailing a pic of the sign but the email keeps getting bounced back.

----Original Message----From: Firth, Sylvia B.

Sent: Friday, October 15, 2010 1:56 PM

To:

Cc: Mayor Cook, Wilson, Joyce A., Byrd, Susannah M

Subject: Fw: Military Complaint

COL Simonelli:

We really need your assistance with the manner in which McKelligan Canyon is being used by Ft. Bliss. Rep Byrd has received numerous complaints about the behavior of the members of the military while they train in the canyon. The complaint below is a whole new issue. McKelligan Canyon is a City park and as such must be kept open for the use of the general public. The training exercises are making it impossible for the average citizen to use the park. It is also not allowed for anyone to take over the park for their exclusive use without obtaining permits, paying relevant fees etc.

----Original Message----

From: Gutierrez, Miriam J < GutierrezMJ@elpasotexas.gov>

To: Firth, Sylvia B. <FirthSB@elpasotexas.gov>
CC: Byrd, Susannah M <ByrdSM@elpasotexas.gov>

Sent: Thu Oct 14 17:07:41 2010 Subject: Military Complaint

Sylvia:

We received a call today from a constituent who frequently visits McKelligon Canyon. Around 3pm today, he was attempting to drive into the park and noticed there were multiple military vehicles and staff at the Davis Seamon Road, the road prior to entering the canyon. He noticed that military staff were posting on the wooden electrical poles, personal printed signs that said "NO PARKING, except military vehicles", etc. He did not confront them or engage as previously there

became aggressive with him so he returned home to call Rep. Byrd.

I checked with our Dept of Transportation to see if any permits had been pulled or requests to close the street or put up signage had been received by them and they hadn't. I then called Northeast PD and asked them to dispatch a unit. Sgt Hamilton and another motor unit responded and removed all the signs and were going to initiate contact with the Unit that posted the signs advising them that what they did was not allowed.

No other information is available at this time. Thanks.

Judy Gutierrez

Assistant to Rep. Susie Byrd

District #2

915-541-4416

FAX: 541-4348

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Thanks so much for your quick action on this. I really appreciate it.

----Original Message----

From: Simonelli, Joseph A COL MIL USA [mailto

Sent: Monday, October 18, 2010 5:13 PM To: Byrd, Susannah M; Firth, Sylvia B.

Subject: RE: Identification of Unit (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Susie: Have them call me...that is what I am here for. This is what I sent the

commander's:

Fellow CDRs/CSMs: Need your immediate attention and action on this. BLUF: We cannot close off McKelligon Canyon and ask that you send that word out immediately. We have a great working relationship with the city and have the possibility of losing this privilege if we continue this abuse. This is the second complaint I've received.

I am also going to talk with them on the proper use of the canyon by military individuals. I am sorry to both you and your constituents for what has transpired. We WILL be much better partners in the future!

Joe

COL Joseph A. Simonelli, Jr. Commander, U.S. Army Garrison

Fort Bliss, Texas

DSN: 978-2833 (commercial (915) 568-xxxx)

Mobile/BB: (915)

NIPR: SIPR:

"Best Service...First Choice!" and "It Starts With Me..."

Facebook: http://www.facebook.com/pages/COL-Joe-Wants-to-

Know/108852335827826

----Original Message----

From: Byrd, Susannah M [mailto:ByrdSM@elpasotexas.gov]

Sent: Monday, October 18, 2010 5:09 PM

To: Simonelli, Joseph A COL MIL USA; Firth, Sylvia B. Subject: RE: Identification of Unit (UNCLASSIFIED)

I think we are good not to set up the meeting but if there is someone from your staff that we or the State Park people can call if this happens again, I think that would help a lot. Susie

----Original Message--

From: Simonelli, Joseph A COL MIL USA [mailto:

Sent: Monday, October 18, 2010 4:59 PM

To: Firth, Sylvia B. Cc: Byrd, Susannah M

Subject: RE: Identification of Unit (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Sylvia: Thank you. I see you are using my Secret e-mail account. Please remove the "smil" portion of the e-mail. I will get to the specific unit. I do not believe we need to set up any special meeting with the City, Police, or anyone else. However, if that is what you want to do then we can work that.

Joe

----Original Message----

From: Firth, Sylvia B. [mailto:FirthSB@elpasotexas.gov]

Sent: Monday, October 18, 2010 4:54 PM To: Simonelli, Joseph A COL MIL USA

Cc: Byrd, Susannah M Subject: Identification of Unit

Please see below.

Sylvia Borunda Firth **Director of Governmental Affairs** Chief of Staff Office of the Mayor 2 Civic Center Plaza 10th Floor El Paso, Texas 79901-1029 (915) 541-4656 (915) 541-4501 fax firthsb@elpasotexas.gov

----Original Message----From: Byrd, Susannah M

To: Firth, Sylvia B.;

Sent: Monday, October 18, 2010 10:43 AM

, ,

Cc: Mayor Cook; Wilson, Joyce A.

Subject: RE: Military Complaint

Colonel:

PD identified the unit as 1-35AR. I tried emailing a pic of the sign but the email keeps getting bounced back.

Susie

----Original Message--From: Firth, Sylvia B.

Sent: Friday, October 15, 2010 1:56 PM

Cc: Mayor Cook; Wilson, Joyce A.; Byrd, Susannah M

Subject: Fw: Military Complaint

COL Simonelli:

We really need your assistance with the manner in which McKelligan Canyon is being used by Ft. Bliss. Rep Byrd has received numerous complaints about the behavior of the members of the military while they train in the canyon. The complaint below is a whole new issue. McKelligan Canyon is a City park and as such must be kept open for the use of the general public. The training exercises are making it

impossible for the average citizen to use the park. It is also not allowed for anyone to take over the park for their exclusive use without obtaining permits, paying relevant fees etc.

----Original Message---From: Gutierrez, Miriam J <GutierrezMJ@elpasotexas.gov>
To: Firth. Sylvia B. <FirthSB@elpasotexas.gov>

CC: Byrd, Susannah M <ByrdSM@elpasotexas.gov>

Sent: Thu Oct 14 17:07:41 2010 Subject: Military Complaint

Sylvia:

We received a call today from a constituent who frequently visits McKelligon Canyon. Around 3pm today, he was attempting to drive into the park and noticed there were multiple military vehicles and staff at the Davis Seamon Road, the road prior to entering the canyon. He noticed that military staff were posting on the wooden electrical poles, personal printed signs that said "NO PARKING, except military vehicles", etc. He did not confront them or engage as previously there became aggressive with him so he returned home to call Rep. Byrd.

I checked with our Dept of Transportation to see if any permits had been pulled or requests to close the street or put up signage had been received by them and they hadn't. I then called Northeast PD and asked them to dispatch a unit. Sgt Hamilton and another motor unit responded and removed all the signs and were going to initiate contact with the Unit that posted the signs advising them that what they did was not allowed.

No other information is available at this time. Thanks.

Judy Gutierrez

Assistant to Rep. Susie Byrd

District #2

915-541-4416

FAX: 541-4348

Classification: UNCLASSIFIED

Caveats: FOUO

Classification: UNCLASSIFIED

Caveats: FOUO

Can you call the constituent back with this info? Susie

----Original Message-----From: Gutierrez, Miriam J

Sent: Wednesday, December 08, 2010 4:31 PM

To: Byrd, Susannah M

Subject: FW: Constituent Concerns

Susie.

Officer Barton gave us really good info below. The issue I see about the restrooms is that they are closed on weekends. Everything else we can address easily.

Judy Gutierrez Assistant to Rep. Susie Byrd District #2 915-541-4416 FAX: 541-4348

----Original Message-----

From: Jacob Barton [mailto:Jacob.Barton@tpwd.state.tx.us]

Sent: Wednesday, December 08, 2010 4:18 PM

To: Gutierrez, Miriam J Cc: Cesar Mendez

Subject: RE: Constituent Concerns

Hey Judy,

Here's the answers to your questions.

- 1. Yes, the canyon is being used by more soldiers it seems. I've seen the soldiers gathering at the canyon entrance and yes they have been in the roadway. My partner, Officer Rincon, has seen soldiers doing sit-ups in the roadway at the canyon entrance. Whenever we encounter soldiers blocking the road in any way we inform them that they must not block the roadway for vehicle traffic. There are mile markers painted on the shoulder of the road in the canyon but I'm not sure who painted them.
- 2. The bathrooms are only opened by us when the park headquarters is open. The hours for the open restrooms are 8:00 a.m. 4:00 p.m. Mon.-Fri. The restrooms are closed on weekends.
- 3. I've encountered the park gates being open after closing hours one time in October. I made a quick patrol up into the canyon after a bike race we had, and arrived at the canyon sometime after 10:30 p.m. We're not usually on duty after 5:00 p.m., unless there's an emergency, so I can't really tell you if the park is never closed.
- 4. There used to be a barrel at the entrance to the canyon, but it's not there anymore. I've seen a lot of those green dog waste bags lying on the ground underneath the city park rules sign at the canyon entrance lately though.

Hopefully these answers will help you out. Let me know if you need anything else.

Jacob Barton State Park Police Franklin Mountains State Park (915) 319-0589 jacob.barton@tpwd.state.tx.us From: Gutierrez, Miriam J [mailto:GutierrezMJ@elpasotexas.gov]

Sent: Wed 12/8/2010 4:51 PM

To: Jacob Barton

Subject: Constituent Concerns

Hi Officer Barton:

Rep. Byrd received a call from a constituent about some issues regarding McKelligon Canyon. Listed are his complaints and in red are my questions to you. Please answer what you can. I appreciate your help on this.

1. Soldiers make it difficult to use the Canyon. Do sit ups in the road? Sometimes painting numbers on the side of the road.

(do you know if this is correct? What kind of painting?)

2. The TX Parks guys aren't keeping the bathrooms open very often.

(Not sure the dates he is claiming but can you let us know the operating hours for the restrooms?)

3. The park never is closed any more.

(He didn't elaborate on this, but have you witnessed any episodes where the gates were never closed?)

4. There used to be a trash barrel at the bottom of the canyon to throw trash. Not anymore.

(This is a parks issue, but thought you might have input on this)/

Judy Gutierrez

Assistant to Rep. Susie Byrd

District #2

915-541-4416

FAX: 541-4348

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From: Gutierrez, Miriam J.

Sent: Thursday, March 31, 2011 8:56 AM

To: Jacob Barton

Cc: Byrd, Susannah M.; Hernandez, Cassandra; Firth, Sylvia B.

Subject: Porta Johns

Good Morning Officer Barton:

In response to your inquiry about the portable restrooms, we did confirm through our Parks Department that Fort Bliss had those installed without our knowledge or consent. Parks staff is trying to contact officials or work with them to get them removed, and were actually supposed to be removed this past Monday. Please let me know if they are still there.

Thank you for bringing this to our attention.

JUDY GUTIERREZ

Assistant to Rep. Susie Byrd District #2 915-541-4416 FAX: 541-4348

4/8/2011

From:

Gutierrez, Miriam J.

Sent:

Tuesday, March 29, 2011 5:00 PM

To:

Firth, Sylvia B.

Cc:

District #2

McKelligon Canyon

Subject:

Importance: High

Hi Sylvia:

We just received a call from the officers at Texas Parks & Wildlife that Fort Bliss troops have again taken over the park area and are not yielding to vehicular traffic and are not allowing anyone in past the gate.

I have already contacted Northeast PD to ask them to send a patrol unit out there but wanted to let you know as well so that you could notify Ft Bliss officials.

Thank you.

JUDY GUTIERREZ

ASSISTANT TO REP. SUSIE BYRD DISTRICT #2 915-541-4416 FAX: 541-4348

From: Gutierrez, Miriam J.

Monday, April 04, 2011 1:12 PM Sent:

To: Byrd, Susannah M.

Hernandez, Cassandra; Gutierrez, Miriam J. Cc:

Subject: Update on Fort Bliss Issues

I received a call from Jorge Rio, liaison at Fort Bliss earlier today regarding their findings about the use of the canvon and the portable restrooms.

He advised they discovered that there was communication between the military units and Ms. Erica Rubio from the State Park. He advised that she was aware of the 3 day Exercise and also gave consent to bring in the portable restrooms. She also gave the soldiers the guidelines on the Do's and Don'ts of using the canyon.

I then spoke to Officer Jacob Barton of the Texas Parks & Wildlife. He advised that Ms. Rubio is the office manager at their office and speaks almost daily to multiple units requesting to use the canyon. She did advise that she knew nothing about this being a 3 day exercise, nor anything about the use and placement of the portable restrooms. She also stated that she advises all of the requesters that they need to notify the City Parks Department.

Officer Barton also clarified that none of this would have been an issue had the soldiers not refused to get off the roadway and become confrontational with the Texas Parks and Wildlife Officer.

Thanks.

JUDY GUTIERREZ

ASSISTANT TO REP. SUSIE BYRD DISTRICT #2 915-541-4416

FAX: 541-4348